

**2004 ENVIRONMENTAL NEGOTIATIONS COMPETITION  
CONFIDENTIAL INSTRUCTIONS FOR POLLAK/MAD MAX  
ROUND 2**

Max prefers dealing with the County to dealing with Harrison and M3. He has some influence with the Board. He is interested in operating the quarry and having a glide path to development at the end of the life of the quarry.

1. Duration of Use

Max wants ten years; the County has proposed 5. Max's case has legal problems. You should propose 9, and take no less than 7. Max expects that the County will propose some sort of renewable option to allow operation beyond 5 years. Max can agree to such an option as long as the terms of the option are reasonable and do not give too much power to the County to end the quarry operations, particularly in the early years. Operating the quarry is key, so you may need to be creative and somewhat flexible on this issue.

2. Conditions of Use

Max can live with a mediation process with the residents that will resolve hours and days of operation, truck traffic issues, noise, blasting, and other matters. Max anticipates that the County will want some control over the operational limits, and Max can agree to that (he has influence with the County), but will not propose it.

3. Monitoring and Enforcement

You should propose monitoring by a monitor employed by Max, with quarterly reports to the County related to operational constraints. Max recognizes that the County will want control of the monitor and may want some enforcement authority. You can agree to this, although you should get some concessions on other issues before doing so.

4. Streamlining of Development

This is a tough issue because Max realizes that the County does not want to be perceived as playing favorites and it fears being sued. Max will agree to indemnify the County for any lawsuits if the County will agree to streamline permit requirements and approvals (by number of approvals and time for approval). Max assumes that the County will not give him anything on this issue, but you should push a bit and see if you can get any commitment. You can emphasize your standing in the County and the jobs you have created.

You should present a proposal on all issues to open negotiations.